

MLDRIN - Lachlan Regional Water Strategy submission

Introduction

The Murray Lower Darling Rivers Indigenous Nations (MLDRIN) is the peak representative body of Sovereign First Nations in the lower Southern part of the Murray Darling Basin. The group currently includes Delegates from 24 Nations across Victoria, NSW, and South Australia.

Our core work includes:

- Advising the Murray Darling Basin Authority (MDBA) on all matters relevant to Traditional Owners and Aboriginal people in the Southern Murray Darling Basin, in particular, the implementation of the Basin Plan
- Having an active role in Natural Resource Management and water planning
- Providing a forum for our member nations to keep informed, deliberate on issues and provide feedback and advice to decision-makers across all levels of Government
- Advocating for our member Nations' rights and interests in land and water, specifically to progress the recognition of Aboriginal water rights and Cultural Flows
- Providing leadership and capacity building for our member nations

We welcome the opportunity to provide feedback regarding the Lachlan Regional Water Strategy.

Background

MLDRIN's membership includes delegates from the Wiradjuri, Yita Yita & Nari Nari Nations. Each of these First Nations has country included in areas directly impacted by the Lachlan Regional Water Strategy.

MLDRIN is a member of the Aboriginal Water Coalition, a body established to assist NSW water agencies in delivering better outcomes for First Nations regarding water.

MLDRIN has an extensive history advocating for First Nations rights to water & improved water management within NSW and across the Dungala-Baaka (Murray-Darling) Basin.

MLDRIN, along with NBAN and NAILSMA, led the National Cultural Flows Research project that highlighted key reforms needed to give effect to First Nations water rights.

Engagement and consultation

MLDRIN has concerns as to the effectiveness of the engagement of First Nations people that have taken place regarding the public exhibition of the Lachlan Regional Water Strategy. Due to restrictions of movement as a result of COVID-19, the consultation appears to be relying on work completed during the Water Resource Plan development which has not been endorsed by involved Nations.

Attachment, A of the Lachlan Regional Water Strategy outlines that 44 people were involved in the targeted consultation process for Aboriginal representative groups. MLDRIN questions if the people consulted are truly reflective of the Traditional Owner groups or has a voice been given to people who do not carry a connection to country above those who do.

Comments on Lachlan RWS documents

Lachlan Draft regional Water Strategy

The Strategy vision

- “Our vision for the strategy is to have healthy and resilient water resources for a liveable and prosperous Lachlan region. To achieve this, we need to position the region so there is the right amount of water of the right quality, delivered in the right way for Aboriginal people, towns and communities, industries and the environment.”
 - MLDRIN perceives the vision stated for the Lachlan Draft Regional Water Strategy to focus only on delivering water. It presents the Lachlan river as a delivery system. There is a clear discord between the vision of the Lachlan Regional Water Strategy & the vision of First Nations for the Kalare River, which is to see a connected river system from the headwaters to the Great Cumbung Swamp. MLDRIN advises the vision should not be limited merely to delivery but should take on the challenge of realising the river connectivity that has been requested by First Nations.

The Strategy objectives

The Lachlan Regional Water Strategy states the objective it aims to deliver for First Nations people is to “Recognise and protect Aboriginal water rights, interests and access to water”. MLDRIn perceives the Lachlan RWS does not go far enough to achieve this objective and that options presented such as the government commitment to the Wyangala Dam raising project are in discord with the stated First Nations objective. MLDRIN seeks greater clarification for how clear conflicts between stated objectives and options will be addressed.

Description of FNs and FNs water interests throughout the document

- “**Recognise and protect Aboriginal water rights, interests and access to water**”. This objective does not address the core issue Aboriginal people have with water which is; ownership of & access to water. This continued dispossession is a result of systemic marginalisation, our people have lived through their land being taken, their children being taken & now those that remain are expected to sit quietly by and watch our rivers die. Recognition is great but it doesn't save rivers giving ownership of water back to Traditional Owners might. Despite the limitations of the given objective, there are still many options and existing government commitments represented in the long list of options that work against the given objective for aboriginal people.
- This is a worrying statement (p. 17) “The limited hydrological connectivity between the Lachlan and downstream regions provides an opportunity to test some new and innovative ideas in the Lachlan region before considering them more broadly in other regions. However, we acknowledge that connectivity and end of system flows are important to Aboriginal people and the environment, and that options to enable flows to the end of the system to occur more frequently should be considered.
 - The above statement creates the possibility that certain areas of the Dungala-Baaka(Murray-Darling) Basin be deemed less connected to the basin than others. This statement raises concern in regards to the potential for policy to limit cultural and environmental flows and may also lead to the implementation of projects that work against having Rivers and Country connected, from the mountains, across the floodplains, and to the sea. More detail around what will be done to enable the end of system flows to occur more frequently is being requested.
- “*For Aboriginal people, uncertainties around the future climate in the Lachlan region add urgency to developing policy settings and programs that fully recognise Aboriginal water rights and provide dedicated water allocations for Aboriginal people. This includes prioritising water for Aboriginal people in water sharing arrangements.*”
 - MLDRIN would like to see this expanded to reflect that it is not only climate-related issues that are creating concern for the future of the region. We seek recognition that historical and ongoing land-use practices have dramatically impacted the landscape across the Lachlan region and that there is a clear connection between extractive land-use practices and reduced river flows.

The options assessment process

- At this late stage of the process of developing the regional water strategy, further clarity is required on how the options assessment process will work and how First Nations outcomes and impacts will be assessed
- MLDRIN is concerned with the options assessment process as it is based on a cost/benefit analysis. Cost/benefit analysis have proven historically to not be the most accurate way of measuring impacts on cultural values and heritage

- and we perceive this will likely result in unfair negative weighting provided to projects that positively impact First Nations desired outcomes and the opposite may occur in outcomes that negatively impact First Nations but provide a perceived economic benefit such as the proposed Wyangala Dam upgrade
- MLDRIN is concerned that a number of the options presented are existing government commitments and the process may not be entirely transparent and impartial when it comes to ensuring these prior commitments are progressed through the options assessment framework.

Implementation and evaluation

MLDRIN would like to see a greater definition provided to how aspects of the Lachlan Regional Water Strategy will be implemented and what the on-going evaluation process will be. This appears to be lacking within the Long list of Options, having the options is great but without a clear outline for implementation and ongoing evaluation we are concerned that despite our assumption of best intentions limited progress will be made in meeting the First Nations objective as outlined in the Lachlan Regional Water Strategy to “Recognise and protect Aboriginal water rights, interests and access to water”.

Lachlan RWS Long List of Options

Below are responses to each of the options stated specifically to impact First Nations people and objectives in the Lachlan Regional Water Strategy along with options MLDRIN perceives to impact First Nations.

Option 41: Culturally appropriate water knowledge program

MLDRIN supports programs that provide culturally appropriate water knowledge to the community. Water policy and associated programs operated by government water agencies are perceived as inaccessible due to their complexity. First Nations communities would like to see these programs delivered by Lachlan River Wiradjuri Traditional Owners who are adequately resourced to deliver these programs.

Option 42: Water-dependent cultural practice and site identification project

The suggestion of government agencies leading mapping of First Nations sacred sites MLDRIN is strongly opposed to. There is distrust due to historical and contemporary examples of cultural heritage sites being desecrated by both state and non-state actors. It is a long-standing decision by elders from days gone past to not discuss the locations of these sites with outsiders.

MLDRIN suggests that instead of mapping sites instead values and objectives of the local First Nations community are mapped.

Option 43: Shared benefit project (environment and cultural outcomes)

MLDRIN supports culturally appropriate projects that supply employment opportunities for mob on country. There is great potential for local cultural knowledge of the landscape to inform decisions around where water should be delivered. MLDRIN is concerned about the delivery of water to man-made lakes surrounding

Condoblin when nearby natural billabongs are left dry. MLDRIN has concerns around the lack of community consultation from local government shire in water projects.

MLDRIN seeks clarity that this would enable cultural outcomes from the delivery of environmental water and not reduce cultural access to water through the delivery of water to the environment.

Option 44: Aboriginal cultural water access licence review

MLDRIN highlights that this has been discussed for years and yet limited action has been taken. Consideration for the fact that the current process is expensive and convoluted, the goal should be to see the process simplified for local traditional owners and fees involved waived, as it perceived these processes around cultural water use were outdated and do not properly reflect the fact that culture has adapted alongside the changing climate and environment.

MLDRIN would like to see that with First Nations people from the area are trained in accessing these licenses to assist more people in gaining access, but that greater access to water frontage property was required for First Nations people to benefit properly from this.

Option 45: Water portfolio project for Aboriginal communities

Feedback from community members regarding this shows that it is in line with what they have been requesting and they would welcome the progression of this option.

Option 46: Co-management investigation of Travelling Stock Reserves

Traditional Owners are concerned about the way the Travelling Stock Reserves have been managed to date. Many of these reserves sit along traditional songlines which have to date, been poorly managed. MLDRIN is concerned with alleged efforts to “sell” off parts of these reserves before a meaningful discussion around co-management or return can take place. MLDRIN requests for these areas to be returned to Traditional Owners, stock removed, sites properly assessed for First Nations cultural heritage, and efforts made to restore the ecosystems.

Option 47: Regional Aboriginal Water Advisory Committee

MLDRIN advises this has been requested since 2018, the goal is to see a small group of Wiradjuri Traditional Owners with community ties to the Lachlan river form an advisory board to inform on matters relating to water in the Lachlan.

Option 48: Regional Cultural Water Officer employment program

MLDRIN highlights that a regional Cultural Water Officer position needs to be an identified role specifically for a Wiradjuri person with accepted family and community ties to the Lachlan River. MLDRIN stresses that this person needs a legitimate connection to the area with some form of community involvement in the selection process for this role.

MLDRIN would prefer that this role operates from a local Traditional Owner led organisation as opposed to working for a government body. But that they have

access to mentors within Government Water Agencies to ensure they are across how these organisations work.

MLDRIN requests that any time a vacancy for this role comes available that it is advertised locally in the newspaper and efforts are taken to make the community aware there is a vacancy.

Comments on options related to First Nations objectives

Option 11: Cold water pollution mitigation measures

MLDRIN requests greater detail into what these mitigation measures are before further comment could be made.

Option 12: Environmental restoration works

MLDRIN perceives this option as ancillary as it does not address the central issue of ensuring there is water in the Lachlan River. MLDRIN is opposed to further development of regulating structures that is not their removal especially when these are stated as “Environmental restoration works” this comes across as disingenuous.

Option 13: Improved management of wetlands on private land

MLDRIN questions the validity of titles for wetlands on private property. On principle efforts to provide greater support for flora and fauna are supported. Concern was raised about livestock degrading waterway edges. Stating this option as one that specifically impacts First Nations is a little tone-deaf especially when it fails to recognise that “private land” always was and always will be sovereign, traditional Aboriginal Land.

Option 14: NSW Fish Passage Strategy

MLDRIN is critical of the fact there is not a single mention of permanent deconstruction of weirs or acknowledgment of the damage these structures have already done. It was requested that at the very least flood gates need to be lowered, there is support for programs that support native fish populations but disagreement that the solution needed is to rebuild weirs.

Option 16: Water quality restoration works

MLDRIN would like to highlight that water quality is critically important to First Nations communities and supports efforts to improve water quality. MLDRIN is concerned that this option lacks detail and would like to see more information around what is proposed so we can assess whether the works are in line with achieving First Nations water objectives.

Option 17: Floodplain management works

MLDRIN supports the removal of floodplain harvesting infrastructure. This is a good step to ensuring river and floodplain connectivity.

Option 18: Diversion screens to prevent fish extraction at pump offtakes

MLDRIN supports efforts to protect wild fish populations this is in accord with First Nations people who have an inherited role as custodians of country.

Option 19: River Ranger Program

MLDRIN supports actions to increase the participation of First Nations people in “On country” projects to maintain the health of rivers & wetlands. Projects that enable First Nations communities to have a recognised place within the water sector that is in line with their inherited role as custodians of the sacred land & waterways that form country.

Option 20: Secure flows for water-dependent cultural sites

MLDRIN supports efforts to secure flows for water-dependent cultural sites. MLDRIN would like to see this expanded to provide better ongoing access to water entitlements that allow First Nations communities in the Lachlan Region to have an active role in the decision making of how and when these sites receive water.

Option 21: Improved understanding of groundwater processes

MLDRIN is concerned that “improved understanding” of groundwater processes will lead to greater extraction of groundwater with limited concern for the long term impact this extraction will have.

Option 22: Sustainable access to groundwater

MLDRIN questions how sustainable accessing groundwater is. MLDRIN is concerned that this extractive process is being defined as meeting First Nations objectives. As there is a strong possibility for this process to irreversibly harm to country.

There should be recognition that water stored in the ground is the result of Traditional land management practices and that this water should belong to the descendants of the people who managed country in a way that allowed groundwater to build over thousands of years.

Option 23: Improved clarity in managing groundwater sustainably

MLDRIN would like to see every effort taken to ensure that this does not enable extractive industries to access more water, our stories talk of water above & below ground and similarly, our people are connected to this water. When industry has dried our rivers will we also let it drain our aquifers?

Option 31: The ‘Sheet of Water’ storage

MLDRIN is strongly opposed to the decommissioning of natural lake systems, water should work to support nature and consumptive users must live within the capacity of the system, not seek to further rob country of water.

Comments on government commitments

Government commitment 1: Water transfer pipeline between Lake Rowlands and Carcoar Dam

MLDRIN perceives this project as being established not to provide water security but to increase the access of water in the market, this is a clear contradiction to First Nations objectives around water.

Government commitment 2: Wyangala Dam raising project

MLDRIN questions the necessity of this project. It appears to be a vanity project designed to give the NSW state government of the day a talking point about infrastructure development in the regions and little else. First Nations people in the area have concerns for how this will impact their sacred sites around the dam. First Nations people hold river connectivity as crucially important in healthy river systems and this government commitment completely fails to “Recognise and protect Aboriginal water rights, interests and access to water”.

Government commitment 3: Lake Rowlands augmentation

MLDRIN is strongly opposed to the suggestion of building a new dam downstream of lake Rowlands. Like the other government commitments in this list, there is a clear disconnect between First Nations objectives and government infrastructure plans. If dams and weirs are truly effective why are we still having water security issues in regions where these structures are already prevalent?

General comments on the Long list of options

MLDRIN would like to highlight that due to the large number of options presented we have a limited capacity to properly investigate the full extent of the impact these options will have for First Nations communities.

MLDRIN questions whether this list is representative of the best options available to the region and whether they are options that meet the objectives of the Lachlan Regional Water Strategy that are not put forward on this list.

Conclusion/Recommendations:

In conclusion, MLDRIN is concerned that the Regional Water Strategy does little to address the core problems in our failing river systems and that a strategy with a forty-plus year scope should do more to implement sustainable solutions, not vanity projects that a government can point to and talk about infrastructure spending for the regions.

Our old people tell us The Kalare is sacred. All that we ask is that it again be treated as such.